REMARKS

In the non-final Office Action mailed December 4, 2003, claims 12 and 15 were rejected under 35 U.S.C. § 101. In addition, claims 1–16 and 20 were rejected under 35 U.S.C. § 102(e) over U.S. Patent No. 6,131,087 to *Luke et al*, and claims 17–19 were rejected under § 103(a) also over *Luke*.

Claims 1 and 21 are amended to clarify that the framework engine is configured to enable a market maker to develop "a request for transaction framework." Support for this amendment can be found, among other places, in the specification at page 12, lines 7–8. Claims 1 and 21 are also amended to clarify that the transaction engine (or means) manages a request for transaction using the request for transaction framework. Support for this amendment can be found in the specification at page 6, lines 5–7, and Fig. 2 showing a request for transaction (RFT) framework being developed and used by a transaction engine. No new matter is added by the amendment.

The amendment also cancels claim 22, to leave claims 1–21 pending in the application. Reconsideration and withdrawal of the rejections is respectfully requested in view of the amendment and the following remarks.

A. The Rejection of Claims 12 and 14 Under § 101 is Addressed

Claims 12 and 14 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. This rejection in made moot by the amendment. Claims 12 and 14, as amended, recite "[a] computer implemented method." Accordingly, withdrawal of the rejection of claims 12 and 14 under 35 U.S.C. § 101 is respectfully requested.

B. The Rejection of Claims 1–16 and 20 Under § 102(e) is Addressed

Claims 1–16 and 20 were rejected under 35 U.S.C. § 102(e) over *Luke*. This rejection is respectfully traversed because *Luke* does not describe or suggest creating new request for transaction frameworks or new attributes.

Claims 1 and 21, as amended, recite a framework engine (or means) that enables

a market maker to develop a request for transaction framework for a particular market.

Claim 12 recites a computer implemented method for developing and using a transaction framework that includes:

developing an electronic request for transaction framework.

Claims 1, 12, and 21 include the development of a request for transaction framework, not simply its use. As noted in the specification, page 2, lines 16–22, a number of systems offer organizations the ability to use request for transaction services. Developing new transaction frameworks for these services, however, is infeasible or prohibitively complex and expensive. This is unfortunate because the ability to develop new transaction frameworks (and modify existing frameworks) would allow an organization to correct inefficiencies that occur during transactions as well as to accommodate new conditions in a market.

Luke describes one of these conventional request for transaction services where market participants use (but do not develop or modify) an "electronic marketplace" that includes "a participant interface [that] can be configured to translate data from any format, language, etc. used by buyers and sellers into system readable data, i.e., translating the offer data and market data by formatting it into uniform, multidimensional data objects." *See* col. 5, lines 32–36. However, there is no description in the reference of how this electronic marketplace was developed, or how new marketplaces with new "multidimensional data objects" can be created. In short, *Luke* describes a method of operating an electronic marketplace, but is completely silent about how to develop this marketplace. Thus, claims 1, 12 and 21, which all recite developing an electronic request for transaction framework are allowable over *Luke*.

Claim 15 also recites a "method for developing an electronic online request for transaction market," and includes the step of:

selectively creating new attributes.

Luke describes several "multidimensional data objects" representing "offer data" and "market data" that are used in the operation of the electronic marketplace, but there is no discussion of how these objects are created, and no suggestion that new objects can be created when desired. At most, *Luke* simply notes "an offer object may have a number of additional dimensions sufficient to completely describe the offer" (col. 6, lines 23–25) but does not describe how these additional dimensions are created or whether they are new dimensions that were presently created by the offeror. For at least these reasons, claim 15 is allowable over *Luke*.

In summary, claims 1, 12, 15 and 21 are allowable over *Luke* for the reasons above. Claims 2–11, 13–14, 16 and 20 depend from claims 1, 12, and 15, respectively, and are allowable for at least the same reasons set out above. Accordingly, withdrawal of the rejection of claims 1–16 and 20 under 35 U.S.C. § 102(e) over *Luke* is respectfully requested.

C. The Rejection of Claims 17–19 Under § 103(a) is Addressed

Claims 17–19 were rejected under 35 U.S.C. § 103(a) over *Luke*. This rejection is respectfully traversed. As noted above, *Luke* lacks any description of "selectively creating new attributes" as recited in claim 15. Furthermore, the reference also fails to suggest the development of an online request for transaction market that includes creating new attributes. Thus, claim 15 is allowable over *Luke*, making claims 17–19 (which depend from claim 15) allowable for at least the same reason. Accordingly, withdrawal of the rejection of claims 17–19 under 35 U.S.C. § 103(a) over *Luke* is respectfully requested.

D. Conclusion

In view of all of the above, claims 1–21 are believed to be allowable and the case in condition for allowance, which action is respectfully requested. Should the Examiner be of the opinion that a telephone
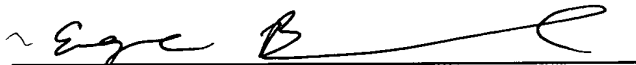
conference would expedite the prosecution of this case, the Examiner is requested to contact the attorney at the telephone number listed below.

No fees are believed to be required with this Response, and should any be required, please charge Deposit Account 50-1123. Should any extension of time be required, please consider this a petition therefore and charge the required fee to Deposit Account 50-1123.

Respectfully submitted,

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